

Filed for intro on 04/27/95
House Bill _____
By _____

Senate No. SB1886
By Elsea

AN ACT relative to election of commissioners of the Fall Creek
Falls Water Utility District created by Van Buren County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) Notwithstanding any provision of law to the contrary, the commissioners of any water utility district created by the county legislative body of any county having a population of not less than forty-eight hundred (4,800) nor more than fifty-one hundred (5,100), according to the 1990 federal census, or any subsequent federal census, which serves customers in such county and in any county having a population of not less than ninety-six hundred fifty (9,650) nor more than ten thousand (10,000), according to the 1990 federal census or any subsequent federal census, shall be elected to serve a term of office of (2) years by the customers of such district at the annual meeting of the utility district. As used in this subsection, "customer" means any individual or entity who receives bills from the utility district, pays money for such services and resides or operates within the boundaries of the district. Each individual or entity shall be limited to one (1) vote. The first election of such commissioners shall be held at the first annual meeting following the effective date of this act during the year in which the terms of office of the incumbent commissioners expire.

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(b) The three (3) commissioners serving on the board of commissioners on the effective date of this act, shall continue to serve until the expiration of their terms or until a vacancy occurs. Their successors shall be elected for a two (2) year term to expire the last day of the month in which the annual meeting is held.

(c) Vacancies on the board due to the expiration of a term shall be filled as follows:

For each vacancy, the incumbent commissioners shall select three (3) nominees and shall prepare a ballot for each vacancy. Other nominees may be placed on the ballot by submitting, twenty (20) days prior to the election, a nominating petition signed by not less than ten (10) customers of the district. Write-in votes for unlisted candidates will also be considered. Vacancies shall be filled by a plurality of the votes cast for each seat.

(d) At least forty (40) days prior to the annual meeting on which the first election is to be held, and biennially thereafter, the incumbent commissioners of the utility district shall mail a written notice of such meeting and election to all customers and shall list any vacancies to be filled. In the event the commissioners fail to set the date for the meeting, or fail to mail notice of such meeting, or fail to hold such meeting, or fail to hold the election, the county executive of the county creating such utility district shall cause such things to be done upon petition of any twenty (20) customers of the district.

(e) Vacancies occurring on the board of commissioners created by death, resignation, disability, ouster or forfeiture of office, shall be filled by the remaining commissioners, until the next annual meeting, at which time the vacancy shall be filled by the customers for the expiration of the term of the vacancy to be filled in the manner established in subdivision (d).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.